IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C). No. 25235 of 2007(D)

PETITIONER:

NARAYANANKUTTY @ HARIDAS,
S/O. KRISHNANKUTTY GUPTAN, PATTIPARAMBU,
KOOTTUPATHA, THIRUVILVAMALA, THRISSUR DISTRICT,
PIN - 680 588.

BY ADV. SRI. G. HARIHARAN
SRI. PRAVEEN. H.

RESPONDENTS:
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1. **THIRUVILWAMALA GRAMA PANCHAYATH,**
   THIRUVILWAMALA, THRISSUR DISTRICT,
   REPRESENTED BY ITS SECRETARY, PIN - 680 588.

2. **THE SECRETARY,**
   THIRUVILWAMALA GRAMA PANCHAYATH,
   THRISSUR DISTRICT, PIN - 680 588.

3. **K.R. MOHANAN, S/O. KUTTIRAMAN**
   EZHUTHASSAN, KOTTATTUKULAMBIL, THIRUVILWAMALA,
   THRISSUR, PIN-680 588.

R1 & R2 BY SRI. SAJEEVKUMAR K. GOPAL
SRI. TEKCHAND
SRI. BENOY VASUDEVAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 25235 OF 2007

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Dated this the 21st day of August, 2007

JUDGMENT

Petitioner challenges Ext.P8. According to the petitioner petitioner has approached this court earlier against Ext.P4. Ext.P5 is the judgment. There is a direction in Ext.P4 to demolish the unauthorised construction made by the petitioner. This court took note of the submission of the Panchayat that Ext.P4 can be treated as notice and it is open to the petitioner to submit objection to Ext.P4 and this court directed that first respondent will consider the objection and hear the petitioner and take a decision in accordance with law. By Ext.P8 petitioner has been called upon to close down his shop.

2. I heard learned counsel for respondents 1 and 2 also. He submits that Ext.P8 is issued on the basis that petitioner is having no licence. There is no dispute that petitioner has an alternate remedy by way of an appeal. Learned counsel for the Panchayat points out that even though in Ext.P8 there is

reference to the writ petition culminating in Ext.P5 judgment, this is not the decision as contemplated in Ext.P5 judgment.

I feel that petitioner is to be relegated to the pursuit of an alternate remedy available against Ext.P8. Accordingly, I do so. In the meantime, in order to facilitate the petitioner to avail the alternate remedy, Ext.P8 shall be kept in abeyance for a period of two weeks from today.

(K.M.JOSEPH, JUDGE)

sv.